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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAYUKI NUMAO and YUJI WATANABE

Appeal 2010-002822
Application 10/600,547
Technology Center 2400

Before DENISE M. POTIER, JEFFREY S. SMITH, and ERIC B. CHEN,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-10, 20, and 21, which are all the claims remaining in the application. Claims 11-19 and 22-25 have been canceled. App. Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

1. An information distribution system comprising:
 - a key management server for managing secret keys and public keys corresponding to given attribute values;
 - a user terminal for accessing said key management server to obtain attribute secret keys generated based on said secret keys, said attribute secret keys corresponding to attributes identifying said user terminal; and
 - a provider terminal for generating an encrypted content that can be decrypted by said user terminal having said attribute secret keys corresponding to given attributes by means of said public keys;
 - wherein said provider terminal distributes said encrypted content and said user terminal decrypts said encrypted content decryptable by means of said attribute secret keys of its own.

Prior Art

Mooney	US 5,610,981	Mar. 11, 1997
Kawano	US 5,933,605	Aug. 3, 1999
Lerner	US 6,169,802 B1	Jan. 2, 2001
Matsumoto	US 6,215,877 B1	Apr. 10, 2001
Hirano	US 2001/0004736 A1	June 21, 2001

Examiner's Rejections

Claims 1, 3, 4, 6-10, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto and Hirano.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto, Hirano, and Kawano.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto, Hirano, and Appellants' admitted prior art.

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1.

ANALYSIS

Section 103 rejection of claims 1, 3, 4, 6-10, 20, and 21

Appellants contend that the term “attribute” recited in claim 1 must be interpreted from the Specification to mean information representing the individuality of a user of a user terminal or the user terminal itself. Br. 6-7. However, Appellants’ Specification states that the term attribute refers to, rather than means, information representing the individuality of a user of a user terminal or the user terminal itself. Spec. 11:13-15. Also, even assuming that this portion of the Specification is a definition, the Examiner finds that the user ID and password taught by Hirano are attributes that refer to information representing the individuality of a user. *See* Ans. 8. Appellants have not provided persuasive evidence or argument to rebut the Examiner’s finding.

Appellants contend that Matsumoto does not teach information representing the individuality of the user of a user terminal. Br. 7. However, the Examiner relies on Hirano to teach information representing the individuality of the user of a user terminal. *See* Ans. 8.

Appellants contend that Hirano does not teach “a user terminal for accessing said key management server to obtain attribute secret keys generated based on said secret keys, said attribute secret keys corresponding to attributes identifying said user terminal” as recited in claim 1. According to Appellants, the content user creates a decryption key corresponding to a secret key, but never obtains the secret key. Br. 8. However, the Examiner relies on Matsumoto to teach a user terminal for accessing a key management server to obtain secret keys. Ans. 9.

Appellants contend that the Examiner’s rationale for combining the teachings of Matsumoto and Hirano stems from impermissible hindsight. Br. 8-9. However, Appellants have not provided persuasive evidence or argument to show that using the secret key based on user information taught by Hirano with the key management server of Matsumoto was “uniquely challenging or difficult for one of ordinary skill in the art.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 419 (2007)). Also, combining Hirano’s technique with Matsumoto provides additional protection for data from authorized access by encrypting the data in a different manner (Ans. 3-4) and thus, the Examiner’s reason for combining the references is not result of impermissible hindsight (App. Br. 8-9).

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Appellants have not presented arguments for separate patentability of claims 3, 4, 6-10, 20, and 21, which fall with claim 1.

Section 103 rejection of claim 2

Appellants contend that Kawano teaches a transmitting computer that transmits data without recognizing the address of the party, but does not teach “said provider terminal distributes said encrypted content without specifying an address of said user terminal that is to receive said encrypted content” as recited in claim 2. Br. 11. The Examiner finds that the combination of Matsumoto and Hirano teaches a provider terminal that distributes encrypted content to a user terminal. Ans. 3-4, 7. The Examiner also finds that Kawano teaches a provider terminal that distributes content without specifying an address of a user terminal (col. 11, ll. 50-54) that receives the content. Ans. 7 (citing to col. 11, ll. 40-57). The Examiner also provides a reason to combine the references. *See id.*

Transmitting the encrypted content of Matsumoto and Hirano using Kawano’s provider terminal that distributes content without specifying a recipient’s address yields the predictable result of a provider terminal that distributes encrypted content without specifying an address of a user terminal that is to receive the encrypted content. *See KSR*, 550 U.S. at 416.

We sustain the rejection of claim 2 under 35 U.S.C. § 103.

Section 103 rejection of claim 5

Appellants present arguments for the patentability of claim 5 (Br. 12) similar to those presented for claim 1 which we find unpersuasive.

DECISION

The rejection of claims 1, 3, 4, 6-10, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto and Hirano is affirmed.

The rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto, Hirano, and Kawano is affirmed.

The rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto, Hirano, and Appellants' admitted prior art is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

babc